

# Exhibit 41

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

STATE OF TEXAS, ET AL.;	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	Case No. 1:18-cv-00068
	§	
UNITED STATES OF AMERICA, ET AL.;	§	
	§	
<i>Defendants,</i>	§	
	§	
<i>and</i>	§	
	§	
KARLA PEREZ, ET AL.;	§	
	§	
STATE OF NEW JERSEY,	§	
	§	
<i>Defendants-Intervenors.</i>	§	

**DECLARATION OF SHERI GIPSON**

My name is Sheri Gipson, and I am over the age of 18 and fully competent in all respects to make this declaration. I have personal knowledge and expertise of the matters herein stated.

1. I am the Chief of the Texas Department of Public Safety (“DPS”) Driver License Division. In this capacity, I oversee DPS’s issuance of driver licenses and identification cards to residents of the State of Texas.

2. I was appointed to my current position and confirmed by the Texas Public Safety Commission in February 2020. Prior to that, I served as Assistant Chief of the Driver License Division from March 2016 through February 2020. I have worked for the Driver License Division of DPS for 40 years.

3. Pursuant to Section 521.142(a) of the Texas Transportation Code, an individual applying for an original driver license “who is not a citizen of the United States must present to

[DPS] documentation issued by the appropriate United States agency that authorizes the applicant to be in the United States before the applicant may be issued a driver's license." Section 521.1425(d) of the Texas Transportation Code provides that DPS "may not deny a driver's license to an applicant who provides documentation described by Section 521.142(a) based on the duration of the person's authorized stay in the United States, as indicated by the documentation presented under Section 521.142(a)."

4. Pursuant to Section 521.101(f-2) of the Texas Transportation Code, an individual applying for an original personal identification certificate "who is not a citizen of the United States must present to [DPS] documentation issued by the appropriate United States agency that authorizes the applicant to be in the United States." Section 521.101(f-4) of the Texas Transportation Code provides that DPS "may not deny a personal identification certificate to an application who complies with Subsection (f-2) based on the duration of the person's authorized stay in the United States, as indicated by the documentation presented under Subsection (f-2)."

5. If an individual presents documentation issued by the federal government showing authorization to be in the United States (such as an Employment Authorization Document or grant of deferred action), and otherwise meets eligibility requirements, DPS will issue a limited term driver license or personal identification certificate to a non-citizen resident of Texas.<sup>1</sup> A license or identification certificate issued to such an applicant is limited to the term of the applicant's lawful presence, which is set by the federal government when it authorizes that individual's presence. In fiscal year 2023 (September 2022 through February 2023), DPS issued 224,554 limited term licenses and identification certificates. In fiscal year 2022 (September 2021

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<sup>1</sup> DPS maintains a list of documents acceptable for verifying lawful presence. *See* Tex. Dep't of Public Safety, Verifying Lawful Presence 4 (Rev. 7-13) (also attached to as Ex. A), <https://www.dps.texas.gov/sites/default/files/documents/driverlicense/documents/verifyinglawfulpresence.pdf>.

through August 2022), DPS issued 414,567 limited term licenses and identification certificates.

6. For each non-citizen resident of Texas who seeks a limited term driver license or personal identification certificate, DPS verifies the individual's lawful presence status with the United States government using the Systematic Alien Verification of Entitlements ("SAVE") system. The State of Texas currently pays \$0.30 per customer for SAVE verification purposes. Approximately 18% of customers must complete additional SAVE verification at \$0.50 per transaction.

7. For each non-United States citizen resident of Texas who seeks a limited term driver license, DPS verifies the individual's social security number and that person's eligibility through Social Security Online Verification ("SSOLV") and the American Association of Motor Vehicle Administrators' ("AAMVA") Problem Drivers Pointer System ("PDPS") and, if applicable, the Commercial Driver License Information System ("CDLIS"). The State of Texas currently pays \$0.05 per customer for SSOLV and PDPS verification purposes. There is a cost of \$0.028 for CDLIS verification purposes, which is about 2% of all limited term licenses.

8. Each additional customer seeking a limited term driver license or personal identification certificate imposes a cost on DPS. DPS estimates that for an additional 10,000 driver license customers seeking a limited term license, DPS would incur a biennial cost of approximately \$2,014,870.80. The table below outlines the estimated costs that DPS would incur based on the additional number of customers per year for employee hiring and training, office space, office equipment, verification services, and card production cost. For every 10,000 additional customers above the 10,000-customer threshold, DPS may have to open additional driver license offices or expand current facilities to meet that increase in customer demand.

Customer Volume Scenario	Additional Employees Required	Additional Office Space Required (SqFt) (96 per employee)	Biennial Cost for Additional Employees, Leases, Facilities and Technology	Biennial Cost for Verification Services	Biennial Cost for Card Production	Total Cost to DPS
10,000	9.4	902.4	\$1,978,859.60	\$9,011.20	\$27,000.00	\$2,014,870.80
20,000	18.8	1,804.8	\$3,957,719.20	\$18,022.40	\$54,000.00	\$4,029,741.60
30,000	28.2	2,707.2	\$5,936,578.80	\$27,033.60	\$81,000.00	\$6,044,612.40
40,000	37.6	3,609.6	\$7,915,438.40	\$36,044.80	\$108,000.00	\$8,059,483.20
50,000	46.9	4,502.4	\$9,894,298.00	\$45,056.00	\$135,000.00	\$10,074,354.00
100,000	93.9	9,014.4	\$19,788,596.01	\$90,112.00	\$270,000.00	\$20,148,708.01
150,000	140.8	13,516.8	\$29,682,894.01	\$135,168.00	\$405,000.00	\$30,223,062.01
200,000	187.8	18,028.8	\$39,577,192.01	\$180,224.00	\$540,000.00	\$40,297,416.01

9. Standard term licenses issued to most citizens are valid for a period of eight years with an allowance to renew online once after an office visit. Therefore, most license holders only have to visit a driver license office once every sixteen years. Because limited term licenses are limited to the term of the applicant's lawful presence, it is possible that an individual would have to renew their limited term license sixteen or more times during the same sixteen-year span. The frequency of renewing the license would depend on the length of time the appropriate United States agency authorizes the applicant to be in the United States. Every renewal for a limited term license requires an additional in-person visit to a DPS facility, and thus requires additional costs related to employee hiring and training, verification of lawful presence status through the SAVE system, office space, office equipment, and infrastructure. Thus, the estimated costs identified above that DPS would incur would only increase as more limited term licenses are issued.

10. The added customer base that may be created by an increase in the number of individuals authorized to be in the United States who chose to reside in Texas will substantially burden driver license resources without additional funding and support.

11. All of the facts and information contained within this declaration are within my personal knowledge and are true and correct.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true

and correct.

Executed on this 20th day of March, 2023.

A handwritten signature in cursive script, reading "Sheri Gipson".

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SHERI GIPSON

**Declaration of Sheri Gipson**  
**Exhibit A:**  
**Verifying Lawful Presence**



## Verifying Lawful Presence

An applicant for a driver license (DL) or identification card (ID) must present proof of lawful presence in the US. The table on the following pages describes the acceptable documents for each type of applicant attempting to verify lawful presence. All documentation must show the applicant's name and date of birth. The applicant must validate a name change or other inconsistent information through additional documentation such as a marriage license, divorce decree or court order.

The department must verify applicable lawful presence documentation through the US Department of Homeland Security's (DHS) Systematic Alien Verification for Entitlements (SAVE) Program. Verification through SAVE is often instantaneous, but when it is not, receipt of the DL/ID may be delayed for up to 30 days. If SAVE cannot verify on the first attempt, SAVE will permit two additional stages of verification. Each stage may require additional documentation from the applicant. After each stage, the applicant will receive instructions either verbally or by mail on how to proceed with the transaction. To avoid further delay, the applicant should comply with the instructions fully and as soon as possible. If the applicant provides timely responses, the process timeline generally occurs as follows.

Stage	DLD receives response from DHS	DLD response to applicant
First	Within a few seconds	If verified, card issued
Second	3 to 5 business days	Instruction letter issued within 48 hours after DHS response received by DLD
Third	Up to 20 additional business days after second response received from DHS	Instruction letter issued within 48 hours after DHS response received by DLD

### ***Temporary Visitor/Limited Term Issuance***

An applicant may be issued a limited term DL/ID if he or she is NOT:

- A US citizen;
- A US national;
- A lawful permanent resident;
- A refugee; or
- An asylee.

A limited term DL/ID will expire with the applicant's lawful presence as determined by DHS.

### ***Commercial Driver Licenses***

This guide does not apply to commercial driver licenses. A person who is a US citizen, US national, lawful permanent resident, refugee or asylee may apply for a commercial driver license. All others may apply for a nonresident commercial driver license, if eligible. Refer to <http://www.dps.texas.gov/DriverLicense/CommercialLicense.htm> or Chapter 522 of the Transportation Code for application and eligibility requirements.

Category	Acceptable Documents
U.S. Citizen	<ul style="list-style-type: none"> <li>❖ Birth certificate issued by the appropriate vital statistics agency of a U.S. State, a U.S. territory, or the District of Columbia indicating birth in U.S.</li> <li>❖ Department of State Certification of Birth issued to U.S. Citizens born abroad (FS-240, DS-1350, or FS-545) or Consular Report of Birth Abroad</li> <li>❖ Certificate of U.S. Citizenship</li> <li>❖ Certificate of Naturalization</li> <li>❖ U.S. Dept. of Justice – INS U.S. Citizenship Identification Card (I-197 or I-179)</li> <li>❖ Northern Mariana Card (I-873)</li> <li>❖ U.S. passport book that <b>does not</b> indicate on the last page that "THE BEARER IS A UNITED STATES NATIONAL AND NOT A UNITED STATES CITIZEN"</li> <li>❖ U.S. passport card</li> </ul>
U.S. National	U.S. passport book that indicates on the last page that "THE BEARER IS A UNITED STATES NATIONAL AND NOT A UNITED STATES CITIZEN"
Kickapoo Traditional Tribe of Texas ("KIC") (U.S. citizen)	American Indian Card (form I-872) which indicates "KIC"
Kickapoo Traditional Tribe of Texas ("KIP") (non-U.S. citizen)	American Indian Card (form I-872) which indicates "KIP"
American Indian born in Canada (First Nations)	An applicant may refer to the Jay Treaty, 8 U.S.C. § 1359, or 8 C.F.R. § 289.2 and may present a variety of documents. Issuance cannot occur without approval of the documents by Austin headquarters. DLD Personnel: make copies of documentation and seek approval through the chain of command.
Lawful Permanent Resident	<ul style="list-style-type: none"> <li>❖ Permanent Resident Card (I-551)</li> <li>❖ Resident Alien Card (I-551) – card issued without expiration date</li> <li>❖ Valid Immigrant Visa (with adit stamp) and unexpired foreign passport</li> <li>❖ Unexpired foreign passport stamped with temporary I-551 language (adit stamp), "Approved I-551," or "Processed for I-551"</li> <li>❖ I-94 stamped with temporary I-551 language (adit stamp), "Approved I-551," or "Processed for I-551"</li> <li>❖ Re-entry Permit I-327</li> </ul> <p>Note: I-151, the predecessor to I-551, is not acceptable as proof of permanent resident status.</p>
Immigrant Visa with Temporary I-551 language	A valid Immigrant Visa within one year of endorsement (i.e. stamped by Customs and Border Protection – adit stamp) and an unexpired passport
Conditional entrants	<p>Immigration documentation with an alien number or I-94 number indicating this status, which can include but is not limited to:</p> <ul style="list-style-type: none"> <li>❖ I-94 or other document showing admission under Section 203(a)(7), "refugee conditional entry"</li> <li>❖ I-688B coded 274a.12(a)(3)</li> <li>❖ I-766 with category A3 or A03</li> </ul>

Category	Acceptable Documents
Asylee	<p>Immigration documentation with an alien number or I-94 number indicating this status, which can include but is not limited to:</p> <ul style="list-style-type: none"> <li>❖ I-94 with annotation "Section 208" or "asylee"</li> <li>❖ Unexpired foreign passport with annotation "Section 208" or "asylee"</li> <li>❖ I-571 Refugee Travel Document</li> <li>❖ I-688B coded 274a.12(a)(5)</li> <li>❖ I-766 with category A5 or A05</li> </ul>
Refugee	<p>Immigration documentation with an alien number or I-94 number indicating this status, which can include but is not limited to:</p> <ul style="list-style-type: none"> <li>❖ I-94 with annotation "Section 207" or "refugee"</li> <li>❖ Unexpired foreign passport with annotation "Section 207" or "refugee"</li> <li>❖ I-571 Refugee Travel Document</li> <li>❖ I-688B coded 274a.12(a)(3)</li> <li>❖ I-766 with category A3 or A03</li> </ul>
Temporary Protected Status (TPS)	Immigration documentation with an alien number or I-94 number indicating this status or Employment Authorization Document (EAD) (I-766) with category A12 or C19
Applicant with Employment Authorization Document	Employment Authorization Document (EAD)( I-766)
Applicants for adjustment of status  Note: These are individuals applying to become lawful permanent residents.	<p>Immigration documentation with an alien number or I-94 number</p> <p>This can include but is not limited to a form I-797 indicating pending I-485 or pending application for adjustment of status.</p>
Applicants for extension of status, change of status, petition for non-immigrant worker, with a pending I-918 application, or other pending category.	<p>Immigration documentation with an alien number or I-94 number</p> <p>This can include but is not limited to a form I-797 indicating a pending application for an extension of status, change of status, petition for non-immigrant worker, or other pending category.</p>
Citizens of the Republic of Palau	<p>Unexpired foreign passport or I -94 with annotation "CFA/PAL" or other annotation indicating the Compact of Free Association/Palau</p> <p><b>OR</b></p> <p>Employment Authorization Document (EAD)(I-766) with category A8 or A08</p>
Citizens of the Republic of the Marshall Islands	<p>Unexpired foreign passport or I -94 with annotation "CFA/RMI" or other annotation indicating the Compact of Free Association/Republic of Marshall Islands</p> <p><b>OR</b></p> <p>Employment Authorization Document (EAD)(I-766) with category A8 or A08</p>

Category	Acceptable Documents
Citizens of the Federated States of Micronesia	<p>Unexpired foreign passport or I -94 with annotation "CFA/FSM" or other annotation indicating the Compact of Free Association/Federated States of Micronesia</p> <p><b>OR</b></p> <p>Employment Authorization Document (EAD)(I-766) with category A8 or A08</p>
Cuban/Haitian entrants	<p>Immigration documentation with an alien number or I-94 number</p> <p>This can include but is not limited to an I-94 with annotation "Cuban/Haitian entrant"</p>
Lawful temporary residents	Immigration documentation with an alien number or I-94 number
Self-petitioning abused spouses or children, parents of abused children, or children of abused spouses  (Applicants with Violence Against Women Act ( <b>VAWA</b> ) petitions)	<p>Immigration documentation with an alien number or I-94 number</p> <p>This can include but is not limited to I-797 indicating approved, pending, or prima facie determination of I-360 or an approved or pending I-360 or an I-766 with category C31.</p>
Parolees	<p>Immigration documentation with an alien number or I-94 number</p> <p>This can include but is not limited to an I-94 with annotation "parole" or "paroled pursuant to Section 212(d)(5)."</p>
Person granted <b>deferred action</b>	Immigration documentation with an alien number or I-94 number
Persons granted <b>deferred enforcement departure (DED)</b>	<p>Immigration documentation with an alien number or I-94 number or Employment Authorization Document (EAD) (I-766) with category A11</p> <p>Note: Individuals in this status may have been granted an extension to the period of authorized stay that is not reflected on the current EAD. Notifications regarding any extensions to this category will be distributed by Austin headquarters.</p>
Person granted <b>family unity</b>	Immigration documentation with an alien number or I-94 number
Persons under an <b>order of supervision</b>	Immigration documentation with an alien number or I-94 number
Persons granted <b>extended or voluntary departure</b>	Immigration documentation with an alien number or I-94 number

Category	Acceptable Documents
Persons granted <b>withholding of deportation or removal</b>	Immigration documentation with an alien number or I-94 number  This can include but is not limited to an I-94 or passport with annotation "Section 243(h)" or a letter or order from USCIS or court granting withholding of deportation or removal.
Persons in <b>removal or deportation proceedings</b>	Immigration documentation with an alien number or I-94 number
Persons granted a <b>stay of deportation</b>	Immigration documentation with an alien number or I-94 number
Persons granted <b>voluntary departure</b>	Immigration documentation with an alien number or I-94 number
<b>A-1, A-2, and A-3</b>	Unexpired foreign passport or I -94  <b>Note:</b> Issuance <b>cannot occur unless</b> applicant presents a letter from U.S. Department of State with original signature <u>indicating ineligibility for Department of State issued driver license or requesting issuance of a state issued identification card.</u>
<b>B1/B2 Visa/BCC with I-94</b>  (Border Crosser Card , DSP-150, or "laser visa")	All of the following: ♦ Unexpired foreign passport, ♦ Visa (border crosser card), <b>and</b> ♦ <b>I -94</b> Note: Applicant must have an I-94 to be eligible because of the time and distance from the border restrictions for applicants who do not obtain an I-94.
<b>B-1, B-2, C-1, C-3, D-1, and D-2</b>	Unexpired foreign passport or I -94  Note: The applicant may not be able meet residency/domicile requirements.
<b>C-2</b>  Alien in transit to U.N. Headquarters district. Travel limited to 25 miles radius of Columbus Circle in New York, NY	This status is restricted to New York, NY and not eligible for a Texas driver license under the domicile/residency requirements.
<b>E-1, E-2, and E-3</b>	Unexpired foreign passport or I -94
<b>E-2 CNMI</b>  Treaty-investor and dependents in Commonwealth of the Northern Mariana Islands	This status is limited to persons entering the Commonwealth of the Northern Mariana Islands (CNMI) and is not eligible for a Texas driver license (8 CFR § 214.2(3)(23)).
<b>F-1</b>  Foreign academic student	Unexpired foreign passport or I -94 or I-20

Category	Acceptable Documents
<b>F-2</b> Dependent on F-1	Unexpired foreign passport or I -94
<b>F-3</b> Commuter Student from Canada or Mexico	This status is for commuters from Mexico or Canada and is not eligible for a Texas driver license under the domicile/residency requirements.
<b>G-1, G-2, G-3, G-4, and G-5</b>	Unexpired foreign passport or I -94  Note: Issuance cannot occur unless applicant presents a letter from US Department of State approving the issuance of a DL/ID.
<b>H-1B, H-1B1, H-1C, H-2A, H-2B, H-2R, H-3, H-4, and I</b>	Unexpired foreign passport or I -94
<b>J-1</b> Exchange visitor (may be student, trainee, work/travel, au pair, etc.)	Unexpired foreign passport or I -94 or DS-2019
<b>J-2</b> Dependent of J-1 exchange visitor	Unexpired foreign passport or I -94
<b>K-1, K-2, K-3, K-4, L-1, L-1A, L-1B, and L-2,</b>	Unexpired foreign passport or I -94
<b>M-1</b> Non-academic student	Unexpired foreign passport or I -94 or I-20
<b>M-2</b> Dependents of non-academic students	Unexpired foreign passport or I -94
<b>M-3</b> Commuter Student from Canada or Mexico	This status is for commuters from Mexico or Canada and is not eligible for a Texas driver license under the domicile/residency requirements.
<b>N-1 through N-7 (NATO)</b> North American Treaty Organization Representatives and dependents	Unexpired foreign passport or I -94
<b>N-8, N-9, O-1, O-2, O-3, P-1, P-2, P-3, P-4, Q-1, Q-2, Q-3, R-1, R-2, S-5, S-6, S-7, T-1, T-2, T-3, T-4, T-5, TN-1, TN-2, TD, U-1, U-2, U-3, U-4, U-5, V-1, V-2, and V-3</b>	Unexpired foreign passport or I -94

Category	Acceptable Documents
<b>WB*</b> Visitor for business (visa waiver program)	Unexpired foreign passport with admission stamp annotated "WT/WB" or I -94 Note: The applicant may not be able meet residency/domicile requirements.
<b>WT*</b> Visitor for pleasure (tourist in visa waiver program)	Unexpired foreign passport with admission stamp annotated "WT/WB" or I -94 Note: The applicant may not be able meet residency/domicile requirements.

\*Visa waiver program countries: Andorra, Australia, Austria, Belgium, Brunei, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, and the United Kingdom.